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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS--EASTERN DIVISION**

84 Lumber Company, a Pennsylvania Limited
Partnership

Plaintiff,

-vs-

Boss Construction, Inc. and Steven Roger Smith
Defendant(s)

No. 08CV-958

Judge MANNING

MOTION TO REINSTATE

NOW COMES the Plaintiff, 84 Lumber Company, a Pennsylvania Limited Partnership, by and through its attorneys, TELLER, LEVIT & SILVERTRUST, P.C., and pursuant to the terms of the Order entered herein on August 11, 2008, prays that this Court vacate the prior dismissal of this cause and enter Judgment in its favor and against the Defendant, Boss Construction, Inc. and Steven Roger Smith, and in support thereof, alleges and states as follows:

1. On August 11, 2008, the Court entered the Order, copy attached, pursuant to which this matter was dismissed without prejudice and with leave to reinstate, with waiver of the Clerk's fee.
2. Pursuant to said Order, Defendant was to make monthly payments to Plaintiff; as of the date of the preparation of this Motion, September 3, 2008, the Defendant is behind by two (2) payments (due August 1, 2008 and September 1, 2008) plus any other payments which become due before the hearing on this Motion.
3. Defendant is, therefore, in default pursuant to the terms of the aforesaid Order, and Plaintiff is entitled to Judgment on the filed Complaint in the amount of \$103,880.85, less payments made of \$1,000.00, for a total of \$102,880.85, plus costs.

WHEREFORE, Plaintiff, 84 Lumber Company, a Pennsylvania Limited Partnership, prays that this Court reinstate this matter and enter Judgment in its favor and against the Defendant, Boss Construction, Inc. and Steven Roger Smith, in the amount of \$102,880.85, plus costs, and for a finding that there is no just cause to delay the enforcement or appeal of said Order.

**84 LUMBER COMPANY, A PENNSYLVANIA LIMITED
PARTNERSHIP**

Plaintiff herein,

By: _____

Edward S. Margolis
Edward S. Margolis
One of its attorneys

Prepared by:
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